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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,189	02/17/2004	Oscar Romero	5849-03/B & D0007.US	1733

7590 08/26/2004  
Ronald K. Aust  
Taylor & Aust, P.C.  
12029 E. Washington Street  
Indianapolis, IN 46229

EXAMINER
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BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,189

Applicant(s)

ROMERO, OSCAR

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/17/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,156,541 to Babb, Jr. et al.

Babb discloses an interconnected chassis for a lock set having a mounting plate (72) configured for attachment to a door (14), the mounting plate including a first opening and a second opening (figure 1B) vertically spaced apart from the first opening, a first guide channel (72') and a second guide channel (72') horizontally spaced apart from the first guide channel, and at least a first spring engaging member (figure 7 and 8), a first cam arm (106) having a first rotational axis, the first cam arm being rotatably coupled to the mounting plate at the first opening, a second cam arm (86) having a second rotational axis, the second cam arm being rotatably coupled to the mounting plate at the second opening, a first compression spring (72), and a slide plate (70 and 104) having a first end, a second end, and an interior region between the first end and the second end, the slide plate being positioned between, and in sliding engagement with, the first guide channel and the second guide channel, the slide plate including a first cam arm engagement member (104a) located at the first end of the slide plate and a second cam arm engagement member (70d) located at the second end of the slide plate, the interior region of the slide plate having at least a first spring retention housing, the first spring retention housing

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having a first elongated cavity (figure 1B) defined by a first spring retention wall (70a) and having a first spring engaging surface (74), the first elongated cavity of the slide plate cooperating with the mounting plate to define a first spring retention chamber (75) that provides lateral containment and support of the first compression spring, the first compression spring being positioned between the first spring engaging member of the mounting plate and the first spring engaging surface of the slide plate, the first compression spring biasing the second cam arm engagement member of the slide plate into engagement with the second cam arm (column 4, lines 4-7) 1-2, 7-8, 11, and 25.

Babb also discloses the mounting plate includes a second spring engaging member (figures 7 and 8) horizontally spaced apart from the first spring engaging member, a second compression spring (72), and the slide plate having a second spring retention housing having a second elongated cavity (figure 1B) defined by a second spring retention wall (70a) and having a second spring engaging surface (74), where the second elongated cavity of the slide plate cooperates with the mounting plate to define a second spring retention chamber (75) that provides lateral containment and support of the second compression spring, the second compression spring being positioned between the second spring engaging member of the mounting plate and the second spring engaging surface of the slide plate, the first compression spring and the second compression spring biasing the second cam arm engagement member of the slide plate into engagement with the second cam arm (column 4, lines 4-7), as in claims 12-13, and 26.

Babb further discloses an opening (figure 1C) formed through the second cam arm along the second rotational axis, and an operator (120) having a mounting portion (121) and a split

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half-round spindle (88), the mounting portion being positioned in the opening and attached to the second cam arm, as in claims 14 and 27, as well as the mounting portion is attached to the second cam arm via a setscrew (column 3, lines 54-65), as in claims 15 and 28, and where a rotation of the second cam arm about the second rotational axis results in a displacement of the slide plate, the displacement of the slide plate causing the first cam arm engagement member of the slide plate to engage the first cam arm, resulting in a rotation of the first cam arm about the first rotational axis (column 4, lines 4-23), as in claims 3, 9, and 29, wherein the rotation of the second cam arm is affected by a corresponding rotation of an interior operator (120), as in claims 10 and 30.

Regarding claims 4-6, and 16-24, the disclosed device of Babb is capable of providing the claimed method steps. Under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is written in a cursive style with a large, looped initial "D".

CJB   
August 17, 2004

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600